

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

BANK OF AMERICA, N.A.,

Plaintiff(s),

v.

SFR INVESTMENTS POOL 1, LLC, et al.,

Defendant(s).

Case No. 2:15-CV-1768 JCM (CWH)

ORDER

Presently before the court is third-party defendant Daunshari Wong-Culotta's ("Wong") motion for reconsideration. (ECF No. 90).¹

In the instant motion, Wong requests that the court reconsider its order (ECF No. 88) denying Wong's (ECF No. 50) and defendant/third-party plaintiff Thomas Jessup, LLC's ("Jessup") (ECF No. 47) motions to dismiss and alter the order to hold the contrary. (ECF No. 90). In support, Wong repeats the same arguments set forth in Wong's unsuccessful motion to dismiss (ECF No. 50). (ECF No. 90).

A motion for reconsideration "should not be granted, absent highly unusual circumstances." *Kona Enters., Inc. v. Estate of Bishop*, 229 F.3d 877, 890 (9th Cir. 2000). "Reconsideration is appropriate if the district court (1) is presented with newly discovered evidence, (2) committed clear error or the initial decision was manifestly unjust, or (3) if there is an intervening change in controlling law." *School Dist. No. 1J v. ACandS, Inc.*, 5 F.3d 1255, 1263 (9th Cir. 1993); Fed. R. Civ. P. 60(b). "A motion to alter or amend a judgment must be filed no later than 28 days after the entry of the judgment." Fed. R. Civ. P. 59(e).

¹ The court finds no response necessary.

1 Rule 59(e) “permits a district court to reconsider and amend a previous order,” however
 2 “the rule offers an extraordinary remedy, to be used sparingly in the interests of finality and
 3 conservation of judicial resources.” *Carroll v. Nakatani*, 342 F.3d 934, 945 (9th Cir. 2003)
 4 (internal quotations omitted). A motion for reconsideration “may not be used to raise arguments .
 5 . . for the first time when they could reasonably have been raised earlier in litigation.” *Kona*
 6 *Enters., Inc.*, 229 F.3d at 890; *see also* LR 59-1(b) (“Motions for reconsideration are disfavored.
 7 A movant must not repeat arguments already presented unless (and only to the extent) necessary
 8 to explain controlling, intervening law or to argue new facts. A movant who repeats arguments
 9 will be subject to appropriate sanctions.”).

10 Wong has not shown that reconsideration is appropriate. The first half of Wong’s motion
 11 merely reproduces the facts and motions to dismiss sections of the court’s order. *Compare* Order
 12 (ECF No. 88 at 2–3, 8–9) *with* Motion (ECF No. 90 at 3–4, 5–6). The latter half of Wong’s motion
 13 reasserts that dismissal of Bank of America, N.A.’s (“BANA”) quiet title claim against Jessup is
 14 proper because Jessup did not and does not claim an interest in the property. (ECF No. 90). Based
 15 on that reassertion, Wong then reargues—using the exact language from Wong’s motion to
 16 dismiss—that dismissal of Jessup’s third-party complaint against Wong is proper because “there
 17 is no claim against Jessup in the [c]omplaint” upon which Jessup’s third-party complaint may be
 18 arise. *Compare* Motion to Dismiss (ECF No. 50 at 7–8) *with* Motion for Reconsideration (ECF
 19 No. 90 at 9–11).

20 In light of the foregoing and for the same reasons set forth in the court’s order (ECF No.
 21 88), Wong’s motion for reconsideration will be denied.

22 Accordingly,

23 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that Wong’s motion for
 24 reconsideration (ECF No. 90) be, and the same hereby is, DENIED.

25 DATED March 17, 2017.

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 UNITED STATES DISTRICT JUDGE